

LEGISLATIVE BILL 178

Approved by the Governor February 17, 1999

Introduced by Jensen, 20; Thompson, 14

AN ACT relating to the Uniform Licensing Law; to amend sections 71-1,238 and 71-1,240, Reissue Revised Statutes of Nebraska, and section 71-101, Revised Statutes Supplement, 1998; to change and eliminate provisions relating to athletic trainers; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-1,239, Reissue Revised Statutes of Nebraska.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-101, Revised Statutes Supplement, 1998, is amended to read:

71-101. Sections 71-101 to 71-1,107.30, 71-1,133 to 71-1,338, 71-1301 to 71-1354, and 71-2801 to 71-2822 and section 4 of this act shall be known and may be cited as the Uniform Licensing Law.

For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Board of examiners or board shall mean one of the boards appointed by the State Board of Health;

(2) Licensed, when applied to any licensee in any of the professions named in section 71-102, shall mean a person licensed under the Uniform Licensing Law;

(3) Profession or health profession shall mean and refer to any of the several groups named in section 71-102;

(4) Department shall mean the Department of Health and Human Services Regulation and Licensure;

(5) Whenever a particular gender is used, it shall be construed to include both the masculine and the feminine, and the singular number shall include the plural when consistent with the intent of the Uniform Licensing Law;

(6) License, licensing, or licensure shall mean permission to engage in a health profession which would otherwise be unlawful in this state in the absence of such permission and which is granted to individuals who meet prerequisite qualifications and allows them to perform prescribed health professional tasks and use a particular title;

(7) Certificate, certify, or certification, with respect to professions, shall mean a voluntary process by which a statutory, regulatory entity grants recognition to an individual who has met certain prerequisite qualifications specified by such regulatory entity and who may assume or use the word certified in the title or designation to perform prescribed health professional tasks. When appropriate, certificate shall also mean a document issued by the department which designates particular credentials for an individual; and

(8) Lapse shall mean the termination of the right or privilege to represent oneself as a licensed, certified, or registered person and to practice the profession when a license, certificate, or registration is required to do so.

Sec. 2. Section 71-1,238, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,238. ~~As used in~~ For purposes of sections 71-1,238 to 71-1,243 and section 4 of this act, unless the context otherwise requires:

(1) Athletic trainer ~~shall mean~~ means a person who is responsible for the prevention, emergency care, first aid, treatment, and rehabilitation of athletic injuries ~~to athletes under his or her care under guidelines established with a licensed physician~~ and who is licensed to perform the functions set out in section 71-1,240. When athletic training is provided in a hospital outpatient department or clinic or an outpatient-based medical facility, the athletic trainer will perform the functions described in section 71-1,240 with a referral from a licensed physician for athletic training;

(2) Athletic training ~~shall mean~~ means the prevention, evaluation, emergency care, first aid, treatment, and rehabilitation of athletic injuries utilizing the treatments set out in section 71-1,240;

(3) Athletic injuries ~~shall mean those injuries which are incurred by individuals through~~ means the types of musculoskeletal injury or common illness and conditions which athletic trainers are educated to treat or refer, incurred by athletes, which prevent or limit participation in sports or recreation;

(4) Board ~~shall mean~~ means the Board of Examiners in Athletic Training; ~~and~~

(5) Department ~~shall mean~~ means the Department of Health and Human Services Regulation and Licensure; ~~and~~

(6) Practice site means the location where the athletic trainer practices athletic training.

Sec. 3. Section 71-1,240, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,240. (1) No person shall be authorized to perform the physical modalities set out in subsection (2) of this section on any person unless he or she first obtains a license as an athletic trainer or unless such person is licensed as a physician, osteopathic physician, chiropractor, nurse, physical therapist, or podiatrist. No person shall hold himself or herself out to be an athletic trainer unless licensed under sections 71-1,238 to 71-1,243 and section 4 of this act.

(2) Athletic trainers shall be authorized to use the following physical modalities in the treatment of athletic injuries under guidelines established with a ~~referring~~ licensed physician:

(a) Application of ~~electrical stimulation~~ electrotherapy;

(b) Application of ultrasound;

(c) Use of medical diathermies;

(d) Application of infrared light; and

(e) Application of ultraviolet light.

(3) The application of heat, cold, air, water, or exercise shall not be restricted by sections 71-1,238 to 71-1,243 and section 4 of this act.

Sec. 4. An individual who accompanies an athletic team or organization from another state or jurisdiction as the athletic trainer is exempt from the licensure requirements of sections 71-1,238 to 71-1,243 and section 4 of this act.

Sec. 5. Original sections 71-1,238 and 71-1,240, Reissue Revised Statutes of Nebraska, and section 71-101, Revised Statutes Supplement, 1998, are repealed.

Sec. 6. The following section is outright repealed: Section 71-1,239, Reissue Revised Statutes of Nebraska.